REMARKS

The amendment, cancellation, and/or addition of claims is not to be considered in any way an indication of applicants' position on the merits of the amended, cancelled, and/or added claims. In the following sections of the Amendment the objections and rejections set forth by the Examiner in the February 12, 2003, Office action are addressed. These rejections are respectfully traversed, and detailed arguments are set forth below. Further, the claims have been amended to more clearly define the invention. Reconsideration of the claims is requested in view of the foregoing amendments and the following remarks.

The Examiner objected to the disclosure based on two informalities. Applicants have taken this opportunity to amend the specification as suggested by the Examiner as well as to correct grammatical and idiomatic errors of which applicants are aware. No new matter has been added in these amendments. It is submitted that these amendments should not be objectionable.

As discussed in the Background of the Invention, and as shown in the references provided by applicants as well as those found by the Examiner, the basic tools to implement the present invention existed prior to applicants' conception of the present invention. Applicants do not claim that they invented HTML, XML, or JavaScript. Applicants do not claim to have invented internet advertising or directing traffic between websites. What applicants did invent was a way of using the basic tools to provide an effective solution to the problems that existed with interrupting advertisements and space consuming advertisements. Inventions that combine known elements are patentable if the combination is novel and nonobvious. Applicants believe that this is the case in the present invention.

Applicants have amended the claims and respectfully submit that the Examiner's previous rejections are moot in view of these amendments. The amendment, cancellation, and/or addition of claims is not to be considered in any way an indication of applicants' position on the merits of the amended, cancelled, and/or added claims. In fact, applicants' have chosen to make these amendments for the

specific purpose of presenting the Examiner with claims clearly allowable over all known prior art to obtain an immediate notice of allowance.

Applicants would like to first address all of the Unicast references including the Unicast press release of October 18, 1999 and the all of the patents assigned to Unicast Communications ("Unicast"). The Unicast technology taught and suggested in the Unicast references as well as the technology practiced by Unicast at its website, is very different than the claimed invention because there is never a post-session platform maintained in the background. Unicast's technology begins when a viewer opens a first website having Unicast's embedded code therein in a first browser. After the first website loads, an advertisement is downloaded into the cache of the first browser. Unicast's use of the term "background" to mean transparent to the user. When the there is a "user-initiated break in surfing" a second browser is opened and the pre-loaded advertisement is displayed. The second browser is never sent to or maintained in the background. The Unicast second browser, therefore, is a "pop-up" not a "pop-under." It should be noted that applicants' choice to address the substance of these references should in no way be considered an admission that they are prior art.

Whereas most of the references discussed below do not teach or suggest a traffic building resource, means for exchanging traffic between the platforms, or providing a traffic building resource, the Unicast references to some extent teach this element. The Unicast references do not teach or suggest using a post-session platform sent to or maintained in the background. Adding such a feature to the Unicast references would render them nonsensical. This is because there would be no reason to send or to maintain the second browser in the background if the second browser is opened upon a "user-initiated break in surfing" and the cached advertisement is immediately loaded into the second browser. Since the second browser is only opened at a break, there would be no need to wait to bring it forward until a viewing event.

The McNeirney reference, the Porkaew reference, and the Tetrode reference, at most, teach that a programming language has the capability of bringing a window held in the background forward. These references do not teach or suggest a

traffic building resource, means for exchanging traffic between the platforms, or providing a traffic building resource.

The Porn Rodeo reference directs viewers of a first web site to a second web site affiliated with Porn Rodeo. In effect, it is an attempt to trap viewers and keep returning them to Porn Rodeo's own website(s), not to build traffic, exchange traffic, or increase traffic between multiple parties. Even if the Porn Rodeo references can be viewed as a means for advertising, Porn Rodeo in no way is a post-session advertising business method that has the purpose of building traffic, exchanging traffic, or increasing traffic. Porn Rodeo does not teach or suggest any means by which third parties may take advantage of its technology. Applicants also reserve the right to submit the Affidavit or Declaration of Prior Invention under 37 C.F.R. Sect. 1.131.

The Landsman et al. reference (U.S. Patent Application Publication 2003/0004804) was filed on May 31, 2002 and published on January 2, 2003, well after the May 24, 2001 filing of the present application or the May 24, 2000 priority date of the present invention. The Landsman et al. reference is not prior art. This reference is also a Unicast reference and does not teach or suggest the claimed invention for the reasons discussed above.

The Judson reference (U.S. Patent No. 5,737,619) begins as a first web page being displayed on a graphical user interface, the web page has a link to a hypertext document preferably located at a remote server. In response to the user clicking on the link, the link is activated by the browser to thereby request downloading of the hypertext document from the remote server to the graphical user interface of the client. While the client waits for a reply and/or as the hypertext document is being downloaded, the browser displays a previously-cached information object. First, although there is a previously-cached information object that is not displayed until the user requests the downloading of the second hypertext document, the information object is displayed on the original platform, not a second post-session platform. Second, the second hypertext document pops up as soon as it is downloaded, so it is

not maintained in the background. Third, there is no teaching or suggestion that this is meant to obtain new traffic or increase traffic between multiple parties.

The LaStrange et al. reference (U.S. Patent No. 5,784,058) is directed to user-controllable persistent browser display pages in which documents downloaded after the original document are displayed in separate windows. This reference does not teach or suggest a traffic building resource, means for exchanging traffic between the platforms, or providing a traffic building resource. This reference does not teach or suggest embedding post-session instructions into a display.

The Allen et al. reference (U.S. Patent No. 5,918,239) is directed to a deferred display of web pages corresponding to links selected by a user in which the user selected web page is downloads the page into memory and, after the new page is completely in memory, displays the page from memory. This reference does not teach or suggest a traffic building resource, means for exchanging traffic between the platforms, or providing a traffic building resource. This reference does not teach or suggest embedding post-session instructions into a display.

The Roskowski reference (U.S. Patent No. 6,212,554) is directed to advertising banners for destination web sites. As one feature to make advertisement banners more attractive, the system monitors whether the user has finished a task for which he logged onto the destination site before transmitting information requested by the user. This reference does not teach or suggest a traffic building resource, means for exchanging traffic between the platforms, or providing a traffic building resource. This reference also does not seem to use multiple platforms.

The Shaw et al. reference (U.S. Patent No. 5,809,242) is directed to an electronic mail system for displaying advertisements at a local computer received from a remote system while the local computer is off-line from the remote system. This reference is cited primarily to show the use of a timer to monitor the time a user views an advertisement. This reference does not teach or suggest a traffic building resource, means for exchanging traffic between the platforms, or providing a traffic building resource.

Applicants have amended the claims and respectfully submit that the Examiner's previous rejections are moot in view of these amendments. None of the references teach or suggest the invention as presently claimed. There is no teaching or suggestion to combine the references.

CONCLUDING REMARKS

In view of the above, it is submitted that pending claims, as amended, are patentable over the known references alone or in combination. Reconsideration of the claims is respectfully requested in view of the above amendments and remarks. The Examiner is requested to reexamine the application, to allow the claims, and to pass the application on promptly to issue.

A Petition for Extension of Time for three months is enclosed herewith.

Please charge Deposit Account No. 50-2115 for any additional fees which may be required.

Respectfully submitted,

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